

**REMARKS/ARGUMENT****Regarding the Claims in General:**

Claims 8-13, 34-36, 40-42, 47-49, 60 and 62-66 are now pending before the Examiner. Claims 1-7, 14-33, 37-39, 40-46, 50-53, 56-59 and 61 are withdrawn from consideration as directed to non-elected species/inventions.

The claims under consideration have not been changed.

**Regarding The Allowable Subject Matter**

Applicants note with appreciation the indication that claims 11, 12, 36, 40-42, 49, 62, and 63 would be allowed if rewritten in independent form incorporating the limitations of their respective parent claims. Because claims 11, 12, 62, and 63 are dependent on claim 8, claims 36 and 40-42 are dependent on claim 35, and claim 49 is dependent on claim 48, all of which are believed to be allowable as written, claims 11, 12, 36, 40-42, 49, 62, and 63 have been retained in dependent form pending the Examiner's further consideration.

**Regarding the Prior Art Rejections:**

In the outstanding Office Action, claims 34 and 65 were rejected as anticipated by Riblet U.S. Patent 2,601,559 (Riblet), claims 8-10 and 13 were rejected as obvious over Zukas U.S. Patent 2,729,504 (Zukas) in view of Christen U.S. Patent 5,337,914 (Christen), and claims 35, 47, 48, 60, 64, and 66 were rejected as obvious over Riblet in view of Christen. Applicants respectfully traverse these rejections.

***Claims 34 and 65.***

Claim 34 recites the following features, none of which is found in Riblet:

a stationary sprinkler housing assembly . . .

a sprinkler nozzle housing assembly mounted for rotation on top of the sprinkler housing assembly;

a nozzle mounted in the nozzle housing assembly for distributing a flow of water away from the sprinkler; and

a flow shut off valve mounted in the nozzle housing which is rotatable around an axis extending longitudinally within the housing to throttle or shut off the water flow to the nozzle.

Riblet does not have a nozzle housing assembly, i.e. something which "houses" a nozzle mounted for rotation on a *stationary* sprinkler housing assembly. The only element in Riblet which is referred to in Riblet as a housing is part 50, but is mounted on valve body 16, and is rotatable because valve body 16 is rotatable. Support 10 and standard 11 are stationary, but to meet the claim limitation of a nozzle housing assembly mounted on something stationary would require that the nozzle housing assembly include the valve body. Even the Examiner's mandate to view claim language in the broadest reasonable sense could not justify calling this a "nozzle housing assembly".

Further, nozzle 44 in Riblet is mounted on an elbow 45, which, in turn, is attached to valve body 16. Thus, even if there were a nozzle housing assembly, the nozzle would not be mounted in it as claimed.

Finally, Riblet's shut off valve cannot be regarded as mounted in the same housing as the nozzle since there is no nozzle housing, and the valve is not rotatable around a longitudinal axis to control flow to the nozzle. The entire valve assembly including housing 16 rotates around a longitudinal axis, but this has nothing to do with flow control. As may readily be seen from Figs. 3-5, the valve element 36 rotates about an axis *transverse* to the longitudinal axis and this movement is what controls the flow to nozzle 44.

Since Riblet lacks all of these features of claim 34, neither it, nor dependent claim 65 are anticipated, and should be allowed.

*Claims 8-10 and 13.*

Claims 8-10 and 13 are not obvious over Zukas in view of Christen. Claim 8 calls for the following features not found in these references, whether considered singly or in combination:

a nozzle housing having a flow path formed therein for directing a flow of water received in the sprinkler assembly and a water stream outlet through which water flowing through the flow path exits the sprinkler assembly;

a nozzle removably mounted in the stream outlet for distributing water from the sprinkler assembly; and

a sleeve valve disposed in the nozzle housing flow path for throttling or shutting off flow to said nozzle, the sleeve valve having an opening and configured to intersect the flow path upstream of the nozzle.

To begin with, Zukas has nothing which can reasonably be described as a nozzle housing. Arms 46 which support nozzles 50 at the ends thereof extend outward from rotating sprinkler body 20 (see Col. 2, lines 26-35) but these are not nozzle housings, and in any event, the nozzles 50 are not mounted (removably or otherwise) *in* the arms as claimed.

Further, since Zukas' sprinkler does not have a nozzle housing, his valve can not be in a flow path *in* a nozzle housing.

Finally, Zukas' valve does not have an opening, and does not intersect a flow path in a nozzle housing. Instead, as clearly illustrated in Fig. 5, valve member 92 functions by selectively blocking outlets in the valve body formed by internal bosses 42 (see Col. 3, line 46 through Col. 4, line 6). Thus, even if arms 46 could be considered a nozzle housing, Zukas' valve does not intersect flow paths *in* arms 46, but instead, prevents water from reaching these flow path altogether.

Christen, while it does show replaceable nozzles, does not remedy any of the other deficiencies in Zukas detailed above. In any event, applicants do not claim to have invented the idea of replaceable nozzles, just a better way to facilitate the replacement process. So even if Zukas' nozzle are made replaceable, the result still does not meet the terms of claims 8-10 and 13, and these claims should also be allowed.

*Claims 35, 47, 48, 60, 64, and 66.*

Independent claim 35 recites the following features not found in Riblet, whether considered alone, or in combination with Christen:

a nozzle housing having a central axis and a flow path therein for water received in the sprinkler assembly,

the flow path having a main portion extending along the central axis of the nozzle housing and an angled portion defining a water stream outlet passage through which water flowing through the flow path exits the sprinkler assembly;

a nozzle removably mounted in the outlet passage for distributing water from the sprinkler assembly; and

a valve disposed in the nozzle housing flow path, the valve being movable between open and closed positions to control water flow to said angled portion of the nozzle housing flow path . . .

As explained above in connection with claim 34, Riblet does not have a nozzle housing, and his nozzle 44 is not mounted (removably or otherwise) in a housing. Rather, it is mounted by means of an elbow 45 onto the body of valve housing 16.

Likewise, it is apparent from Figs. 2 and 3, that even though nozzle 44 has the flow path with a main portion and an angled portion, the former does not extend along a central axis of a nozzle housing and the latter does not define a stream outlet passage *in which* a nozzle is mounted.

Similarly, since there is no nozzle housing in Riblet, his valve can not be said to be disposed in a nozzle housing flow path.

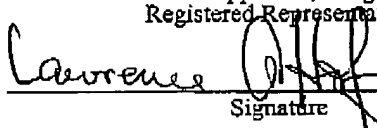
Nor does Christen remedy the above-described deficiencies in Riblet. This reference shows only a removable nozzle, which applicants do not claim is new in any event. Thus, even if the references are combined, the result does not meet the terms of claim 34. The rejection is accordingly improper, and claim 34 should be allowed, along with dependent claims 47, 64, and 66.

Claim 48 is similar to claim 34 in respect to the distinguishing features discussed above, and should be allowed, along with dependent claim 60 for the same reasons.

While it is believed that all rejections have been overcome, in a further effort to advance the prosecution, a courtesy copy of this response is being sent directly to the Examiner, and applicants' representative will contact him to arrange an interview.

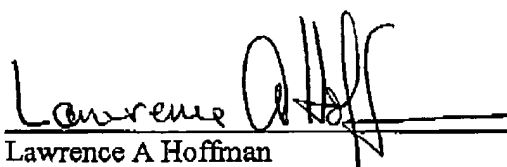
In view of the foregoing, favorable reconsideration and allowance of this application are respectfully solicited.

I hereby certify that this correspondence is being transmitted by Facsimile to (703) 872-9306 addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date indicated below.

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February 8, 2005  
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Respectfully submitted,

  
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